BOMBAY ACT No. II OF 1882.[1]

[*29th March, 1882.*]

An Act to amend Bombay Act II of 1874.

WHEREAS it is expedient to abolish the fund called "The Civil Jail Fund" and to provide for the disposal of subsistence-money remaining in hand on the death or release of prisoners in the civil jail, and for this purpose to amend Bombay Act II of 1874; It is enacted as follows:—

[NOTE.—The amendments made by this Act are incorporated in Bom. Act II of 1874, *supra*.]

BOMBAY ACT No. III OF 1882.[2]

[*29th March, 1882.*]

An Act to amend the Bombay and Karachi Vaccination Acts.

[NOTE.—The amendment made by this Act is incorporated in Bom. Acts I of 1877 and IV of 1879, respectively, *supra*.] Bom. Acts I of 1877 and IV of 1879.

THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882.

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BOMBAY ACT No. VII OF 1882.[1]

[*18th November, 1882.*]

An Act to provide for the levy of fees for the use of Public Landing-places.

WHEREAS it is expedient to provide for the levy of fees for the use of public landing-places in certain ports in the Bombay Presidency; It is hereby enacted as follows:— Preamble.

1. This Act shall be called "the Bombay Landing and Wharfage Fees Act, 1882." Short title.

2. [2][It shall extend to any ports] in the Presidency of Bombay to which the Governor in Council may from time to time, by notification in the *Bombay Government Gazette* and other local official Gazette, extend the Act. Local extent.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1881, Pt. V, p. 41; and for Proceedings in Council, *see ibid*, p. 47.

[2] These words were substituted for the words "It shall extend—(*a*) to the Ports of Karachi and Aden; (*b*) to any other ports" by Schedule II of the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

Repeal of Bombay Act III of 1879.

3. Bombay Act III of 1879 is hereby repealed, and all fees levied and every declaration, appointment, or rule made under that Act shall be deemed to have been levied and made under this Act.

"Landing-place" and "Passengers" defined.

4. [1][In this Act the term "landing-place" includes a bandar, wharf, pier, jetty, hard and any place used for the landing, shipping, or storage of goods, or for the embarking or disembarking of passengers:]

[2]* * * * * *

[3][and the term "passengers" means any person of three years of age or upwards, carried in a vessel, other than the master and crew and the owner, his family and servants.]

The Governor in Council to fix limits of bandars, etc., and the fees to be levied.

5. It shall be lawful for the Governor in Council from time to time by notification in the Bombay Government Gazette and other local official Gazette—

(*a*) to define the limits of any port to which this Act is made applicable when such limits have not been defined under the [4]Indian Ports Act, 1875;

(*b*) to determine what are public landing-places to which the provisions of this Act shall apply;

(*c*) to determine the limits of any such landing-place;

(*d*) to withdraw this Act from any port in which it is for the time being in force;

[5][(*e*) to fix the fees to be levied—

(1) on goods landed, shipped or stored at, and

(2) on passengers embarking or disembarking at, and

(3) on animals or vehicles bringing or removing goods to or from, or plying for hire at, and

(4) on vessels or boats approaching or lying alongside,

any such landing-place:

[6][Provided that it shall be lawful for the Governor in Council at any time to exempt any goods, passengers, vessel, boat, animal or vehicle wholly or partially from any fee to which the same may be liable under this section;]

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[1] This definition was substituted by s. 2 (*a*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. Act 5 of 1916), Vol. V of this Code.

[2] The definition of the term "Commissioner" was repealed by s. 2 (*b*), *ibid.*

[3] This definition was added by s. 2 (*c*), *ibid.*

[4] *See* now the Indian Ports Act, 1908 (15 of 1908), Genl. Acts, Vol. VI.

[5] Clause (*e*) was substituted by s. 3 (*1*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. Act 5 of 1916), Vol. V of this Code.

[6] This and the succeeding proviso were substituted for the original proviso by s. 3 (*2*), *ibid.*

[1][provided further that the fee to be levied on any passenger on each occasion of embarking or disembarking at a landing-place shall not exceed one anna].]

Powers and duties under this Act by whom to be exercised and performed.

6. The levy of fees under this Act shall be made and all other powers and duties conferred and imposed by this Act or by any bye-laws made hereunder, shall be exercised and performed by such officers as the Governor in Council shall from time to time direct, or by such persons as he shall from time to time direct in this behalf.

Powers, privileges and liabilities of officers who collect fees.

7. The officers and persons whose duty it may be to levy fees under this Act shall have the same powers for collecting and enforcing payment of the same as are exercisable under the provisions of any law, for the time being in force, in respect of duties of sea-customs by the Collector of Customs and his subordinates, and shall have the same privileges and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment of the said fees as the said Collector of Customs and his subordinates have, or are liable to, under the provisions of any such law.

Punishment of offenders.

The law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs, and for the reward of informers, shall, as far as may be, apply to similar offences committed in respect of the said fees.

[2][In particular and without prejudice to the generality of the provisions of the foregoing paragraph, the penalty prescribed in the third column of article I of section 167 of the Sea Customs Act, 1878,[3] shall be leviable in respect of the contravention of any bye-law made under this Act.]

VIII of 1878.

Tables of fees to be posted up.

8. Tables of the fees leviable under this Act shall be posted up in some conspicuous position at every landing-place at which such fees are leviable, in English and the Vernacular language of the district, province, or territory in which the port is situate.

Power to make Bye-laws.

9. [4][The] [5][Chief Customs-authority] may, with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act:

(*a*) regulating the use of every landing-place to which this Act applies;

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[1] *See* footnote [5] on preceding page.

[2] This paragraph was inserted by s. 4 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. Act 5 of 1916), Vol. V of this Code.

[3] General Acts, Vol. II.

[4] This word was inserted by s. 2 of 1st Sch. of the Bombay Repealing and Amending Act, 1919 (Bom. Act 2 of 1919), Vol. V of this Code.

[5] These words were substituted for the words "The Commissioner may, within the district, province or territory under his charge, and, in respect of any other port or ports to which the provisions of this Act may hereafter be extended, the Chief Customs-authority for the Presidency of Bombay" by s. 5 (*a*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. Act 5 of 1916), Vol. V of this Code.

(*b*) providing for the management of the traffic over, on or about and to and from every such landing-place;

[1][(*c*) regulating the collection and remittance of the fees leviable under all or any of the provisions of this Act; and]

[2][(*d*)] generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the Bombay Government Gazette and other local official Gazette.

Fees realized under this Act how to be expended.

[3][**10.** The proceeds of all fees realized under this Act shall be expended in any port to which this Act applies—

(*a*) in payment of the expenses of the administration of this Act;

(*b*) in defraying the cost of acquiring or constructing new landing-places required for the convenience of the traffic or trade of such port;

(*c*) in maintaining and improving any existing landing-place and in constructing, maintaining or providing waiting rooms and other conveniences or facilities for passengers, and generally in the improvement of such port; and

(*d*) in payment of the charges connected with the establishing, maintaining and working of telegraphs and telephones between any such ports.]

Receipt, expenditure and account of landing and wharfage fees.

[4][**11.** (*1*) For each port to which this Act applies a distinct account, to be called the landing and wharfage fees fund account, shall be kept showing, in such detail as the Chief Customs-authority prescribes, the receipts and expenditure under this Act for the port. An abstract of the account for the past financial year, in such form as the Chief Customs-authority prescribes, shall be published annually as soon after the first day of April as may be practicable.

(*2*) If an advance of money shall be made by the Government for any of the purposes of this Act, on account of any port to which this Act applies, simple interest on that advance or upon so much of it as shall remain unrepaid, at such rate as the Governor in Council may determine, shall be chargeable in the landing and wharfage fees fund account of such port.

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[1] Clause (*c*) was inserted by s. 5 (*b*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. Act 5 of 1916), Vol. V of this Code.

[2] Clause (*d*) was re-numbered by s. 5 (*c*), *ibid.*

[3] Section 10 was substituted by s. 6, *ibid.*

[4] Section 11 was added by s. 7, *ibid.*

(*3*) All monies received under this Act at or on account of any port to which this Act applies shall be credited in the landing and wharfage fees fund account of the port.

(*4*) Any balance from time to time standing to the credit of a landing and wharfage fees fund account may be temporarily invested in such manner as the Governor in Council may direct.]

[1][**12.** The Governor in Council may direct that for the purposes of sections 10 and 11 any number of ports to which this Act applies shall be regarded as constituting a single port, and thereupon all monies to be credited to the landing and wharfage fees fund account under section 11 shall form a common fund account which shall be available for expenditure for the sake of the several ports of the group on the objects authorized by this Act.] Grouping of ports.

BOMBAY ACT No. I OF 1883.[2]

[*10th April, 1883.*]

An Act to provide Funds for maintaining Provincial Roads used for local purposes.

WHEREAS it is expedient to provide additional funds for the construction and proper maintenance and repair of public roads in or near stations which are chiefly used by the residents for purposes of local convenience, as, for example, for intercommunication, pleasure driving or riding, other than for military purposes or for purposes connected with agricultural operations of petty trade, dealing or industry, and which are not provided for out of imperial, municipal or cantonment funds; It is hereby enacted as follows:— Preamble.

1. This Act shall be cited as the Bombay Highway Act, 1883, and it shall come into force in the manner provided in the next following section. Short title.

2. This Act shall extend to the whole of the territories administered by the Bombay Government, but shall not come into force anywhere within the said territories until the Governor in Council may, by notification in the Bombay Government Gazette, apply[3] the same to any local area to be specified in such notification within the said territories; and Local extent.

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[1] Section 12 was added by s. 7 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. Act 5 of 1916), Vol. V of this Code.

[2] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1882, Pt. V, p. 53; for Report of the Select Committee, *see ibid*, 1883, p. 1; and for Proceedings in Council, *see ibid*, 1882, p. 65, *ibid*, 1883, p. 8.

[3] For notifications applying this Act to local areas in the Presidency, *see* Bombay Local Rules and Orders.

the Governor in Council may, in like manner, amend or cancel any such notification.

Imposition of tax on carriages, etc., in notified area.

3. It shall be lawful for the Governor in Council, after the publication of the notification referred to in the last preceding section, to levy[1] a tax on all carriages, coaches, vans, carts, hackeries, horses or ponies in accordance with the rates specified in the Schedule [2]* * * * from all persons owning or having charge of the same, who are resident within the local area so notified:

Provided—

(*a*) that the Governor in Council may reduce, alter or modify this tax as he may deem fit, but may not increase the rates specified in the said Schedule;

(*b*) that any person who may have owned or had charge of any vehicle or animal as aforesaid kept for use within such local area for a period exceeding fifteen and not exceeding thirty consecutive days shall be liable only to one-third of the tax for that quarter, and for any period of a quarter exceeding thirty consecutive days shall be liable for the whole tax of that quarter;

(*c*) that no tax shall be leviable in respect of any vehicle or animal as aforesaid which shall have been out of use for the whole period contained in any quarter on due notice in writing being given by the owner in accordance with the rules of assessment hereinafter provided for in section 4 [3]* * *.

For the purposes of this section the word "resident" means and includes any person who dwells or takes up his abode in a local area notified under this Act for a period exceeding fifteen days.

Rules to be framed for the levy of the tax.

4. It shall be lawful for the Governor in Council, from time to time, to make [4]rules for the assessment and recovery of the tax referred to in the last preceding section, which shall be published in the Bombay Government Gazette, and such rules may be general for all areas notified under the provisions of section 2 [5]* * * or special for any one or more such areas, according as the Governor in Council directs, and it shall be lawful for the Governor in Council at any time to amend or cancel such rules.

The tax not leviable in a municipality

5. Whenever in any municipality or cantonment, within any local area notified under this Act, a tax on vehicles and animals is levied within

[1] For notifications levying taxes on vehicles, etc., *see* Bombay Local Rules and Orders.

[2] The words "annexed to this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), *infra*.

[3] The words "of this Act" were repealed by *ibid*.

[4] For rules for the assessment and recovery of taxes, *see* Bombay Local Rules and Orders.

[5] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), as amended by Bom. Act 1 of 1891, s. 2 (*a*), Vol. III of this Code.

the limits of such [1][municipality] or cantonment under the authority of any law for the time being in force therein, the tax imposable under section 3 [2]* * * shall not be levied within such limits; but such contribution which, under any law for the time being in force, may be made out of the funds of any such municipality or cantonment to provincial or local funds, as shall, in the opinion of the Governor in Council, be deemed a just and proper share towards meeting the expenses of maintaining provincial roads which are not provided out of such municipal or cantonment funds, but which are calculated to benefit the residents within the limits of such municipality or cantonment, may be applied in the manner prescribed for the application of the proceeds of the tax imposed under section 3 [2]* * *.

or cantonment where a tax on vehicles and animals is already levied.

6. The proceeds of the tax in each area where such tax has been lawfully imposed under the provisions of this Act shall be credited to provincial or local funds as the Governor in Council shall direct: Provided always that the proceeds of such tax levied within or contributed by any cantonment as defined by [3]Act III of 1880 shall only be applied in conformity with [4]section 23 of that Act.

Application of proceeds of the tax.

7. No tolls leviable under [5]Bombay Act III of 1875 shall be levied within any local area notified under this Act.

Tolls under Bombay Act III of 1875 not to be levied in local areas notified under this Act.

8. Nothing in this Act shall be deemed to apply to or include any vehicles or animals as aforesaid belonging to the Government, or vehicles kept for sale by *bonâ fide* dealers and not used for any other purpose;

Saving provisions

or shall apply to any persons who are specially exempt from municipal taxation under any rules or law for the time being in force, or to any persons whom the Governor in Council may by an order in writing [6]exempt from the tax imposable under section 3 [2]* * *;

or shall apply to any person who earns his livelihood wholly or principally by agriculture carried on within the district within the limits of which the local area to which this Act may be applied is situated, or to any class of persons carrying on any petty trade, dealing or industry in such local area which the Governor in Council may, from time to time,

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[1] This word was substituted for the word "municipalities" by the Amending Act, 1895 (16 of 1895), Second Schedule, Vol. I of this Code.

[2] The words "of this Act" were repealed by the Bombay General Clauses Act, 1886 (Bom. Act 3 of 1886), Schedule B. This Schedule has been printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. Act 1 of 1904), Vol. IV of this Code.

[3] *See* now the Cantonments Act, 1910 (15 of 1910), General Acts, Vol. VII.

[4] *See* now s. 19, *ibid.*

[5] Tolls on Roads and Bridges Act, 1875 (Bom. Act 3 of 1875), *supra.*

[6] For notifications exempting persons from the tax, *see* Bombay Local Rules and Orders.